



**U.S. Department of Justice**  
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May 3, 2024

**VIA ECF**

Honorable Robert M. Levy  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *United States v. B4B Earth Tea LLC, et al. No. 22-CV-1159*

Dear Judge Levy:

The United States submits this letter to provide the Court with an update regarding the Defendant's deposition in the above-captioned case.

On March 28, 2024, the Court entered a Minute Entry Order providing that Defendant Sinclair's deposition would be completed by May 8, 2024. In accord with the Court's order, on April 18, 2024, the United States sent Defendant Sinclair a Notice of Deposition providing that his deposition would occur at the U.S. Attorney's Office on May 7, 2024.

Defendant emailed on April 20, 2024, indicating that he would like to postpone the deposition and move its location to the courthouse, without providing any reasons for these requests. On April 22, 2024, the United States responded, explaining that the deposition could not be postponed because of the deadline set by the Court, that depositions are generally out-of-court proceedings, and there appeared no reason to move the location of the deposition to the courthouse. That same day, Defendant responded by email, indicating: "Ok. The 7 ....," indicating a May 7, 2024 deposition. In this response, Defendant did not express any unwillingness to appear for the deposition on May 7, 2024 at the U.S. Attorney's Office, as required by the Notice.

Earlier this morning, Defendant Sinclair emailed that he would refuse to attend the deposition unless it occurred at the courthouse, stating: "I don't trust you'll [sic]. You've been sneaky. So I will not show up."

Given Defendant Sinclair's last-minute refusal to appear for the deposition, the United States will be unable to complete his deposition by the May 8, 2024 deadline set by the Court. The United States will reschedule the deposition to occur at the U.S. Attorney's Office on May 21, 2024, so that any disputes as to Defendant's appearance at the deposition can be resolved on May 18, 2024, during our next scheduled status conference, if not before.

Respectfully submitted,

/s/\_\_\_\_\_

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Counsel for the United States

cc: Defendant Andrew Martin Sinclair